



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application ) PATENT APPLICATION  
Inventors: Warren S. Heit )  
                  Brian I. Marcus ) Art Unit: 3714  
Application No.: 10/748,731 ) Examiner: Rovnak, J.  
Filed Date: December 29, 2003 ) Customer No.: 28554  
Title: ELECTRONIC EDUCATIONAL TOY )  
APPLIANCE HAVING A TOUCH SENSITIVE )  
SURFACE TEACHING LETTERS WORDS )  
AND NUMBERS )

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on September 8, 2004.

Brian I. Marcus, Reg. No. 34,511  
Signature Date: September 8, 2004

(Attorney Signature)

## TRANSMITTAL LETTER

Sir:

Transmitted herewith is an Information Disclosure Statement. It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

*Enclosed with this statement are the following:*

X Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

X A copy of each cited document as required by 37 C.F.R. §1.98 is attached hereto in the Appendix accompanying this communication. Copies are not submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the

submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

***This statement should be considered because:***

— This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within 3 months of the application filing date;  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office action on the merits,  
whichever occurs last.

X Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

    -- AND (*check at least one of the following*) --

— (1) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p)  
    -- OR --

X (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e)

— Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

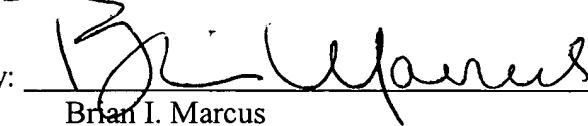
- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
    -- AND --
- (2) It is accompanied by a PETITION TO ACCEPT INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d);  
    -- AND --
- (3) It is accompanied by the \$130 fee set forth in 37 C.F.R. §1.17(i)(1);  
    -- AND --
- (4) The Issue Fee has not yet been paid.

**STATEMENT UNDER 37 C.F.R. §1.97(e)**

No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

Date: September 8, 2004

By: 

Brian I. Marcus  
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 Market Street, Suite 540  
San Francisco, CA 94105-4206  
Telephone: 415-369-9660  
Facsimile: 415-369-9665



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-2182334	12-05-1939	Crespo	
		US-2932907	04-19-1960	Stieber et al.	
		US-3292489	12-20-1966	Johnson et al.	
		US-3798370	03-19-1974	Hurst	
		US-3911215	10-07-1975	Hurst et al.	
		US-4136336	01-23-1979	Abe et al.	
		US-4220815	09-02-1980	Gibson et al.	
		US-4630209	12-16-1986	Saito et al.	
		US-4686332	08-11-1987	Greanias et al.	
		US-4706090	11-10-1987	Hashiguchi et al.	
		US-4802092	01-31-1989	Harte	
		US-4853498	08-01-1989	Meadows et al.	
		US-4853499	08-01-1989	Watson	
		US-4913463	04-03-1990	Tlapet et al.	
		US-4922061	05-01-1990	Meadows et al.	
		US-5007085	04-09-1991	Greanias et al.	
		US-5030117	07-09-1991	Delorme	
		US-5057024	10-15-1991	Sprott et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

Examiner Signature		Date Considered
--------------------	--	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 3

## Complete if Known

Application Number	10/748,731
Filing Date	December 29, 2003
First Named Inventor	Heit
Art Unit	3714
Examiner Name	Rovnak, J.

Attorney Docket Number

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-5113178	05-12-1992	Yasuda et al.	
		US-5117071	05-26-1992	Greanias et al.	
		US-5149919	09-22-1992	Greanias et al.	
		US-5157384	10-20-1992	Greanias et al.	
		US-5220136	06-15-1993	Kent	
		US-5417575	05-23-1995	McTaggart	
		US-5485176	01-16-1996	Ohara et al.	
		US-5517407	05-14-1996	Weiner	
		US-5520544	05-28-1996	Manico et al.	
		US-5575659	11-19-1996	King et al.	
		US-5686705	11-11-1997	Conroy et al.	
		US-5877458	03-02-1999	Flowers	
		US-			

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				

Examiner Signature		Date Considered
--------------------	--	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO				<b>Complete If Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/748,731
(Use as many sheets as necessary)				Filing Date	December 29, 2003
				First Named Inventor	Heit
				Art Unit	3714
				Examiner Name	Rovnak, J.
Sheet	3	of	3	Attorney Docket Number	

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Signature		Date Considered
-----------------------	--	--------------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

Applicant's unique citation designation number (optional). - Applicant is to place a check mark here if English language Translation is attached.  
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*